

[1]

**IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH**

S.B. CRIMINAL MISC. PETITION NO.1746/07

Satish Srivastava

Versus

State

DATE OF ORDER :: 05/11/2007**HON'BLE MR. JUSTICE AJAY RASTOGI**

Mr. Tarun Jain, for petitioner

Mr. Arun Sharma, Public Prosecutor for State

* * *

Instant petition has been filed for quashing of FIR registered against petitioner for offence u/ss.135 & 138 of Indian Electricity Act.

The vigilance team of Electricity Board on 31st December, 2006 inspected the premises of accused-petitioner and as alleged it was found that he was extracting electricity and accordingly, a case of theft was registered against him. The matter is pending investigation and from perusal of FIR prima facie commission of offence as alleged cannot be ruled out.

Counsel for petitioner submits that earlier also he was prosecuted in the case of theft of electricity and after regular trial, he was acquitted. Be that as it may, his earlier acquittal, if at all there is any, in no manner can be connected with the alleged offence for which instant FIR has been registered against him.

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Consequently, this court finds no substance in the misc. petition, the same stands dismissed.

[AJAY RASTOGI], J.

FRBOHRA, JR.P.A.1746CMP2007 5-11.doc